



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
REQUESTS FOR WAIVER FILED BY THE TOWN OF BEDFORD POLICE DEPARTMENT,
MASSACHUSETTS TO OPERATE A PUBLIC SAFETY RADIO SYSTEM ON PART 22
SPECTRUM**

File No. 0009935320

Comments Due: March 3, 2023

Reply Comments Due: March 20, 2023

The Public Safety and Homeland Security Bureau seeks comment on the above-captioned application and waiver requests filed by the Town of Bedford Police Department, Massachusetts (Bedford) to operate a public safety paging system on part 22 paging control channels in the 470-512 MHz band (T-Band).¹ Bedford states that use of the subject channels is necessary due to the lack of available public safety channels. Bedford seeks waiver relief pursuant to section 1.925 of the Commission's rules,² of (1) sections 22.621 and 90.311;³ and (2) section 90.307(d) of the Commission's rules.⁴

Bedford currently operates a T-Band public safety radio system under call sign WIJ355 on frequencies in the TV Channel 16 band (482-488 MHz). Bedford seeks to add non-public safety frequencies 482.1125 and 485.1125 MHz to the system for public safety radio operations.⁵ Bedford states that "due to extreme demand for radio frequencies in the Boston area, all frequencies have been exhausted"⁶ Bedford indicates that it "has no other choice but to look to commercial radio bands for additional channels."⁷ Bedford's frequency coordinator submitted a letter stating that it conducted a search of the

¹ See File No. 0009935320 (filed Mar. 2, 2022, amended June 27, 2022 and Jan. 5, 2023) attached Letter from John C. Fisher, Chief of Police, Town of Bedford Police Department, to Federal Communications Commission (dated Dec. 29, 2022) (Part 22 Waiver Request).

² 47 CFR § 1.925.

³ See 47 CFR §§ 22.621 (designating certain frequencies for point-to-multipoint transmitters that support transmitters that provide public mobile service), 90.311 (designating certain frequency ranges for land mobile radio assignment); Part 22 Waiver Request.

⁴ See 47 CFR § 90.307(d) (requiring a Private Land Mobile Radio Service (PLMR) base station which has associated mobile units to be spaced at least 145 kilometers (90 miles) from a protected adjacent channel TV station); File No. 0009935320, attached letter from Carol DiCaro, AFC Processor, APCO International, to FCC (dated Feb. 4, 2022) (TV Spacing Waiver Request).

⁵ Part 22 Waiver Request at 1.

⁶ *Id.*

⁷ *Id.*

453-470 MHz and 470-512 MHz bands and certified that “there are no public safety channels to be assigned that meet public safety coordination protocols or frequency limitations and will work at all sites for this system.”⁸

Bedford seeks a waiver of section 22.621 to provide public safety PLMR service on frequencies 482.1125 and 485.1125 MHz, which are “allocated for assignment to transmitters utilized within point-to-multipoint systems that support transmitters that provide public mobile service.”⁹ Bedford also seeks waiver of section 90.311, which excludes the frequencies sought by Bedford from T-Band frequency ranges available for land mobile radio assignment.¹⁰ Finally, Bedford seeks a waiver of section 90.307(d) to modify a station located 119.8 kilometers (74.4 miles) from broadcast television (TV) station WPXQ-TV, TV Channel 17, Newport, Rhode Island.¹¹ Bedford provided an engineering analysis purporting to demonstrate that its 64 dBu contour does not overlap Station WPXQ-TV’s 64 dBu Grade B contour.¹²

Pursuant to Sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*. All comments and reply comments should reference the subject file number(s), waiver requests, and the DA number indicated on this *Public Notice*.

Pleadings may be filed electronically through ULS, or by paper pursuant to the following instructions. Parties are strongly encouraged to file electronically using ULS.

- **Electronic Filers:** Pleadings may be filed electronically using the Internet by accessing ULS: <https://www.fcc.gov/wireless/systems-utilities/universal-licensing-system>. Each screen indicates the information to be provided or the action(s) to be performed to complete that screen. From the ULS website, to begin the process of filing a pleading click on “SUBMIT A PLEADING.” The link takes the user to the *Pleadings Information* screen. Upon completing the *Pleadings Information* screen, click “CONTINUE” to go to the *File Numbers/Call Signs* screen. Upon providing the information required on that screen, complete steps three and four at the *Attach File* and *Confirmation* screens, respectively. For more information, detailed instructions can be found in the *Public Notice* announcing the implementation of electronic filing for pleadings.¹³
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

⁸ File No. 0009935320, attached letter from Carol DiCaro, AFC Processor, APCO International, to FCC (with Frequency Search Results) (dated June 10, 2022).

⁹ 47 CFR § 22.621. Bedford indicates that its transmitters would provide PLMR service rather than public mobile service. See File No. 0009935320 (indicating Radio Service Code PW, one of the part 90 Private Land Mobile Radio service codes).

¹⁰ 47 CFR § 90.311(a).

¹¹ TV Spacing Waiver Request at 1. See also 47 CFR § 90.307(d). The smallest separation distance to the proposed sites is 76.3 km. See TV Spacing Waiver Request at 3.

¹² File No. 0009935320, attached Grade B Contours. The generally accepted protection criterion for a contour analysis between a PLMR station and an adjacent channel TV station is zero dB at the TV station’s Grade B contour. See Private Land Mobile Operations in the 470-512 MHz Band, *Public Notice* No. 20291 (rel. Oct. 22, 1991) at 1.

¹³ *Wireless Telecommunications Bureau Enhances the Commission’s Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006).

- Filings can be sent by commercial courier or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service First-Class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- As of March 19, 2020, the FCC is no longer accepting hand-delivered or messenger delivered paper filings at FCC Headquarters due to the COVID-19 pandemic.¹⁴ Furthermore, after COVID-19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.¹⁵
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

Because of the policy implications and potential impact of this case on persons not party to the applications, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission's rules, 47 CFR §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver requests will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's rules, 47 CFR § 1.1206(b).

The applications, waiver requests, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <https://www.fcc.gov/wireless/universal-licensing-system>.

For technical assistance in using ULS for viewing the application or filing an amendment to the application, contact the ULS Licensing Support Hotline at (877) 480-3201. The ULS Licensing Support Hotline is available Monday through Friday, from 8:00 A.M. to 6:00 P.M. Eastern Time. All calls to the ULS Licensing Support Hotline are recorded.

For further information regarding this Public Notice, please contact Thomas Eng, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-0019, or by email to thomas.eng@fcc.gov.

Copies of materials can be obtained from the FCC's Reference Information Center at (202) 418-0270.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

¹⁴ *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (OMD 2020).

¹⁵ *FCC Announces Closure of Filing Window at FCC Headquarters and Permanent Change in the Location and Hours for Receiving Hand-Carried Filings*, Public Notice (OMD July 7, 2020).

By the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau.

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